

## REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed October 14, 2005. At the time of the Office Action, Claims 1-7, 9, 11-21, 23 and 24 were pending in this Application. Claims 1-7, 9, 11-21, 23 and 24 stand rejected. Applicants respectfully request reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. §103**

Claims 1-7, 9, 13, 15, 17-18, 21 and 24 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,617,526 issued to Daniel P. Oran et al. ("Oran.") and U.S. Patent 6,002,398 issued to Daniel B. Wilson ("Wilson").

Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Oran and Wilson, as applied to Claims 1 and 7 above, and further in view of U.S. Patent 6,385,662 issued to Billy Gayle Moon et al. ("Moon"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claims 12, 14-16 and 19-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Oran and Wilson, as applied to Claims 1 and 17 above, and further in view of U.S. Patent 5,689,416 issued to Takanori Shimizu et al. ("Shimizu"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Oran, Wilson, and Shimizu, as applied to Claims 17, 18, and 20 above, and further in view of Moon. Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The independent claims include the limitation that upon occurrence of an event a message indicator is superimposed over an indicator tab causing a second functionality of this indicator tab. The Examiner stated that even though Oran does not teach such a functionality that Wilson discloses such a functionality. Applicants respectfully disagree.

Wilson does not teach to determine the occurrence of an event. The occurrence of an event is a dynamic process. An event is, thus, usually caused, for example, by an external interrupt, an internal timer, a keyboard activation, a mouse click etc. This definition of the term "event" is known and accepted in the technical field of software development. Wilson merely teaches the structure of a graphical interface using tabbed windows. In Wilson, a user can access different pages through tabs. Wilson further teaches two different types of tabbed windows. A first type allows direct access of the page whereas a second type provides for a further menu which sub-divides the content of page. A user can, thus, select one of the sub-divided pages through this specific intermediate menu. Each tab has a tab description indicating the content of a page. The sub-division of a page is indicated in a tab by an additional symbol next to the tab description.

Thus, the additional symbol does not indicate a second functionality. On the contrary, the functionality of a tab with an additional symbol remains the same, namely the display of a page as indicated by the tab description. The only difference between a tab without the additional symbol is that a plurality of such pages can be accessed.

Finally, Wilson does not provide for a dynamic process of changing the functionality of a tab from a first to a second functionality. Wilson merely discloses that two different type of tabs can be used. The functionalities disclosed by Wilson are predefined by the content of the data base. Wilson is absolutely silent about a dynamic change of the tab indicators. Thus, even if a person would combine Oran and Wilson, such a combination would not render the present invention obvious.

Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claims to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35

U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

**CONCLUSION**

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of all pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2545.

Respectfully submitted,  
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